FILED

March 12, 2025

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: NM DEPUTY

WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

PAMELA A. POPEJOY,

Plaintiff,

v.

CIVIL NO. SA-24-CV-00843-OLG

UNITED APARTMENT GROUP, INC. et al.,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court has considered United States Magistrate Judge Richard B. Farrer's Report and Recommendation (R&R), filed January 28, 2025, recommending that this Court remand the above-titled and numbered case to the 73rd Judicial District Court of Bexar County, Texas. (See R&R, Dkt. No. 11).

Any party who desires to object to a Magistrate Judge's findings and recommendations must serve and file specific written objections within fourteen (14) days after being served with a copy of the findings and recommendations. FED. R. CIV. P. 72(b)(2). A copy of the R&R was mailed to Plaintiff via certified mail when it was entered on January 28, 2025. (See Dkt. No. 12). As far as USPS tracking reveals, Plaintiff has not received the document because it could not be delivered to the address provided by Plaintiff. To date, Plaintiff has not filed a change of address notice, and no objections have been filed.

¹ See Payne v. CPS Energy, No. SA-23-CA-1254-FB, 2024 WL 646393, at *1 n.1 (W.D. Tex. Feb. 15, 2024) ("If service upon a party is made by mailing a copy to the party's last known address, 'service is complete upon mailing." (quoting FED. R. CIV. P. 5(b)(2)(C))).

² See Newberry v. Soto, No. EP-23-CV-00084-DCG, 2023 WL 3302834, at *1 (W.D. Tex. May 8, 2023) ("The fact that [a plaintiff] didn't ultimately receive the Report and Recommendation doesn't affect the objection period's start or end date.").

³ The Court notes that Judge Farrer mooted Plaintiff's motion to receive electronic filings (see Dkt. No. 5) because Plaintiff did not submit a motion to file electronically with the requisite application attached to the motion. Notably, Plaintiff conceded in her motion that she "still has the mailbox in San Antonio, TX," which was the same address provided to the Court within the petition and on the mailing envelope for the notice of removal. (See Dkt. Nos. 1 at 8;

Because no party has objected to the Magistrate Judge's findings or recommendations, the Court reviews the R&R for clear error. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989); *cf.* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which an objection is made."). After such review, the Court finds that the R&R is neither clearly erroneous nor contrary to law.

The Court therefore **ADOPTS** the Magistrate Judge's R&R (Dkt. No. 11) as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1) and **REMANDS** the above-titled and numbered case to the 73rd Judicial District Court of Bexar County, Texas.

IT IS FURTHER ORDERED that all motions not previously ruled upon by the Court are **DENIED** as moot.

This case is CLOSED.

It is so **ORDERED**.

SIGNED this _____ day of March, 2025.

ORLANDO L. GARCIA United States District Judge

¹⁻⁴ at 1-2; 5 at 1). Plaintiff has not filed another motion to file electronically or a notice concerning a change of address. See W.D. Tex. R. CV-10(d).